UNITED STATES PATENT AND TRADEMARK OFFICE

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10/559,586	12/02/2005	Ian Hughes	GB920030045US1	2712

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/559,586	HUGHES, IAN
	Examiner	Art Unit	
	SPENCER PATTON	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 June 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>23-52</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>23-52</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>02 December 2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090902

DETAILED ACTION

1.   The amendments to the claims filed 6/5/2009 have been entered. Claims 23-52

are pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 23, 37, and 45 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

4.   The terms "first device" and "second device" indicate that these devices are

distinct, however claims 24, 38, and 46 indicate that Applicant does not intend these

devices to be distinct. These terms are made indefinite by the contradicting claims.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 23, 24, 26, 28, 29, 32, 33, 35-38, 40, 42, 43, 45, 46, 48, 50, and 51** are

rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO

Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

Huckle et al teaches:

Re claim 23. A method for providing navigational instructions, said method comprising:

a service centre (the base unit of page 6, lines 1-5) receiving a signal from a first device (user device of page 2, lines 17-22), said signal specifying a destination location (location of page 5, line 10), a second device (user device of page 2, lines 17-22; The signal specifies that the requested information is to be returned to the user device. If this system is run over the internet, as in the drawings and page 2, lines 20-22, the packets will contain a source IP address indicating where the response packets are to be sent.), and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device (page 5, lines 9-13);

said service centre sending at least one set of images to the second device (page 5, lines 15-17), wherein each set of images of the at least one set of images defines a unique route leading to the destination location (page 5, lines 9-13; Each unique starting location has a unique route to the destination location).

Huckle et al fails to specifically teach: **(re claim 23)** said service centre determining a device type of the second device during or after said receiving the signal from the first device; wherein a total number of the at least one set of images and a content of each set of the at least one set of images are a function of the determined device type.

O'Carroll teaches, at column 8, lines 32-37, determining a functionality level of a communication device, and at column 9, lines 26-32, reducing the number of image

packets that are sent to a communication device whose functionality cannot handle

more images. O'Carroll also teaches at column 3, lines 30-35 that the content format is

varied based on the communication device's requirements.

In view of O'Carroll's teachings, it would have been obvious to one of ordinary

skill in the art at the time of the invention to include, with the method for providing

navigational instructions as taught by Huckle et al, **(re claim 23)** determining a device

type of the second device during or after said receiving the signal from the first device;

wherein a total number of the at least one set of images and a content of each set of the

at least one set of images are a function of the determined device type; since O'Carroll

teaches modifying the content format and limiting the number of pictures which are sent

to communication devices which cannot handle the excess pictures so that air time of

signal transmission is not wasted, while still providing the best user experience

(abstract). Huckle et al also teaches a need for modifying content displayed on

telephones at page 4, lines 9-14.

Re claim 24. Wherein the first and second devices are a same device (user device of

page 2, lines 17-22; the user device requests and receives the route).

Re claim 26. Wherein the at least one set of images comprises a plurality of sets of

images (page 5, lines 9-13; each starting location has an associated set of images).

Re claim 28. Wherein the signal does not comprise a starting location from which each

route to the destination location is to originate from (page 5, lines 9-13; and Figure 4a;

The user brought up the landmark he or she wishes to get directions to (Clarks), but did

not supply a starting location. After selecting the destination location the program

provided the possible starting locations via the drop down menu shown in Figure 4a,

these locations were not specified in the initial transaction between the user and the

program).

Re claim 29. Wherein the at least one set of images comprises a plurality of sets of

images (page 5, lines 9-13; each starting location has an associated set of images).

Re claim 32. Wherein said sending comprises sending the at least one set of images

to the second device as a time-ordered sequence of subsets of the images in the at

least one set of images (page 5 lines 15-17), and wherein each subset is sent to the

second device in response to a prompt from the first device (abstract, lines 3-4).

Re claim 33. Wherein said sending comprises sending the at least one set of images

to the second device as a time-ordered sequence of subsets of the images of the at

least one set of images (page 5, lines 15-17), and wherein each subset is automatically

sent to the second device (abstract, lines 3-4).

Re claim 35. Wherein the service centre comprises a database, wherein the database

comprises the at least one set of images, and wherein the method further comprises:

recording in the database that each set of images of the at least one set of images defines a unique route leading to the destination location, wherein said recording in the database is performed prior to said receiving the signal from the first device (page 6, lines 27-29; each unique starting location makes each route unique).

Re claim 36. Wherein the service centre comprises a database, wherein the database comprises the at least one set of images, and wherein the method further comprises:

providing relative indicators showing a positional relationship of each image in the at least one set of images relative to another image in the at least one set of images, wherein said providing relative indicators is performed prior to said receiving the signal from the first device (page 6 line 26).

Re claim 37. A computer program product stored on a computer readable storage medium, comprising computer readable program code (programming code; page 6, lines 9-11) for performing a method for providing navigational instructions (discussed above in re claim 23).

Re claims 38 and 40. These limitations are discussed in re claims 24, 26.

Re claims 42 and 43. These limitations are discussed in re claims 28 and 29.

Re claim 45. A system comprising a service centre (base unit; page 6, line1), said

service centre comprising a database for storing images of locations (database; page 6,

line 2) and a computer program product (programming code; page 6, lines 9-11) for

performing a method for providing navigational instructions using images in the

database (discussed above in re claim 23)

Re claims 46 and 48. These limitations are discussed above in re claims 24 and 26.

Re claims 50 and 51. These limitations are discussed above in re claims 28 and 29.

3.   **Claims 23, 25, 39, and 47** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by

O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of

Bruce et al (US Patent No. 6,539,080).

The teachings of Huckle et al as modified by O'Carroll have been discussed

above. Huckle et al as modified by O'Carroll fails to specifically teach: **(re claims 23,**

25, 39, and 47) the first and second devices are different devices.

Bruce et al teaches, at the abstract and Figure 3, an operator console (first

device) which sends a signal to a system (service centre) requesting a route to a

destination be sent to an audio box (second device) so that users may receive

navigation assistance without an internet connection (column 1, lines 28-30).

In view of Bruce et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claims 23, 25, 39, and 47)** the first and second devices are different devices; since Bruce et al teaches that such a system may provide access to navigation instructions with limited connectivity and minimal phone functionality.

4.   **Claim 30, 31, 44, and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Jones (US Patent No. 6,904,359).

The teachings of Huckle et al as modified by O'Carroll have been discussed above. Huckle et al additionally teaches:

Re claims 30, 44, and 52. Wherein each set of images comprises a furthest image that is furthest from the destination location (page 5, lines 9-13).

Huckle et al as modified by O'Carroll fails to specifically teach: **(re claims 30, 44 and 52)** wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location; **(re claim 31)** wherein the ring of images is shaped as a circle whose center is at the destination location.

Jones teaches, at Figure 28, illustrating locations surrounding a destination on a circle to indicate that these locations are all the same distance or time away from the destination.

In view of Jones' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claims 30, 44, and 52)** wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location; **(re claim 31)** wherein the ring of images is shaped as a circle whose center is at the destination location; since Jones teaches illustrating locations surrounding a destination on a circle to indicate to a user that the locations are all the same time or distance from a destination, thus giving the user a better sense of where the destination and the surrounding locations are in relation to each other.

5.   **Claim 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Kamikawa et al (JP 9218047).

The teachings of Huckle et al as modified by O'Carroll have been discussed above. Huckle et al additionally teaches:

Re claim 34. Wherein the service centre comprises a database, wherein the database comprises the at least one set of images (page 6, lines 1-3).

Huckle et al as modified by O'Carroll fails to specifically teach, **(re claim 34)** wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images.

Kamikawa et al teaches, at the abstract, previously calculating routes from a starting location to multiple destinations and storing these routes in memory for later use. This enables fast calculation of routes when the system is used. Figure 23 teaches doing this in the opposite direction in which routes from multiple starting points to a single destination are pre-calculated and stored to save processing time.

In view of Kamikawa et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claim 34)** wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images; since Kamikawa et al teaches storing routes based on their destination to save processing time.

6.   **Claims 27, 41, and 49** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Huckle et al as modified by O'Carroll as applied to claims 23, 37, and

45 above, and further in view of Ohler et al (US Patent No. 6,314,367) and LeFebvre et

al (US Patent No. 5,612,882).

The teachings of Huckle et al as modified by O'Carroll have been discussed

above. Huckle et al further teaches:

Re claims 27, 41, and 49. Wherein the service centre comprises a database, wherein

the database comprises the at least one set of images (page 6, lines 1-3).

Huckle et al as modified by O'Carroll fails to specifically teach: **(re claims 27, 41,**

and 49) said service centre receiving a vote on a usefulness of received images in the

at least one set of images; and said service centre modifying the database in

dependence upon said received votes, wherein said modifying comprises at least one of

replacing, deleting, and amending at least one image in the at least one set of images in

the database.

Ohler et al teaches an error reporting process for a navigation device (column 11,

lines 16-21; and column 12, lines 46-49) in which the reported errors are counted as if

they were votes (column 12, line 66 through column 13, line 9), and the database is

corrected when there are many errors reports in an area (column 13, lines 12-15).

In view of Ohler et al's teachings, it would have been obvious to one of ordinary

skill in the art at the time of the invention to include, with the method for providing

navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claims**

27, 41, and 49) said service centre receiving a vote on a usefulness of received images in the at least one set of images; and said service centre modifying the database in dependence upon said received votes, wherein said modifying comprises at least one of replacing, deleting, and amending at least one image in the at least one set of images in the database; since Ohler et al teaches user feedback as a way to improve the geographic database of a navigation system.

Huckle et al as modified by O'Carroll and Ohler et al fails to specifically teach: **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of **each** received image in the at least one set of images.

LeFebvre et al teaches, at column 5, lines 13-29, obtaining user feedback on each direction the user receives in order to improve the navigation system.

In view of LeFebvre et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll and Ohler et al, **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of **each** received image in the at least one set of images; since LeFebvre et al teaches using user feedback of every direction received in order to improve the navigation system.

Response to Arguments

7.   Applicant's arguments with respect to claims 23-52 have been considered but are moot in view of the new ground(s) of rejection.

8.   Applicant's arguments filed 6/5/2009 have been fully considered but they are not persuasive.

9.   Applicant argues on pages 12-13 that (claim 23) "a content of each set of the at least one set of images are a function of the determined device type" is not taught by Huckle as modified by O'Carroll. However, as previously discussed O'Carroll teaches reducing the number of image packets that are sent to a communication device whose functionality cannot handle more images. This reduction in the number of images is a change in the content of the set of images. Each image in a set is considered to be part of the content of that set. Additionally changing from moving images to still images is also a change in the type of content.

10.   Applicant argues on page 16-17 that (claim 27) "receiving a vote of usefulness for each received image" is not taught by Huckle et al as modified by O'Carroll and Ohler, however Applicant will note that LeFebvre et al does teach this limitation as discussed above. Applicant additionally argues that errors are not indicative of usefulness (or lack of usefulness). Erroneous data is generally considered to be less useful than correct data, and LeFebvre teaches at column 5, lines 13-29 rating navigation instructions based on convenience of the timing, and "other factors of maneuver execution." Timing in a navigation system is a factor which contributes to

usefulness, as are errors. While these patents do not specifically state they are

determining usefulness, they are still doing so.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SPENCER PATTON whose telephone number is

(571)270-5771. The examiner can normally be reached on Monday-Thursday 7:30-

5:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SPENCER PATTON/
Examiner, Art Unit 3664

9/2/2009
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664